

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION**

<b>BRIAN H. CLARK</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No.: 4:17-cv-45</b>
	)	
<b>v.</b>	)	
	)	
<b>ROB COLEMAN, et al.,</b>	)	<b>By: Hon. Robert S. Ballou</b>
	)	<b>United States Magistrate Judge</b>
	)	
<b>Defendant.</b>	)	
	)	

**ORDER**

Defendant Daniel M. Smith, Sheriff of Patrick County, Virginia, filed a motion for a protective order regarding the production of certain documents, which Plaintiff seeks from his files. Dkt. 22, 23. Plaintiff Brian H. Clark filed this action asserting claims against various Patrick County Sheriff's deputies for restricting his access to both the Patrick County Circuit Court and the Patrick County Administrative Building as well as actions allegedly taken to carry out those orders.

Plaintiff's Request for Production 8 seeks:

[t]he entire file of the Sheriff's Department of Patrick County, Virginia, omitting nothing, related to any order from the Honorable Martin F. Clark, Jr., Judge of the Circuit Court of Patrick County, Virginia placing any restriction on entry of Brian Clark into the Clerk's Office of the Circuit Court of Patrick County, Virginia, including any memorandum or email to one or more deputies of the Sheriff's Office of the Circuit Court of Patrick County, Virginia.

Dkt. 23, at 4.

The oral order by Judge Clark to restrict Plaintiff's access to the Patrick County Clerk's Office is traced to a series of letters between Judge Clark and Plaintiff's counsel which began on October 15, 2016 and which are attached to Plaintiff's Complaint. See Dkt. 1-5. Judge Clark describes that the basis of the order comes from the following:

[Plaintiff] has, over the course of many months, harassed, intimidated, threatened and harangued the staff here, both by e-mail and by phone. . . . [Through emails, letters, and filings,] he suggests that various court officials, banks, attorney, judges and the state bar are in a Lyndon-LaRouche-like plot to do harm to him, one of which such pleadings referenced Judge Greer's bias (later alleged to be outright corruption), referenced Judge Greer's wife and, oddly and menacingly, included a wedding photograph of her. That lengthy background and the background his bizarre claim in open court that BB&T officials at one point were shooting at or into his home, when combined with a threat to one of the ladies here that he "would put her in her place" is sufficient reason to be cautious where he is concerned.

Id. at 55.

Defendant submitted for an *in camera* review the emails in the custody of the Sheriff regarding Plaintiff. These emails relate to no trespass orders from the Sheriff to the County Administrative building and interactions Sheriff's deputies had with Plaintiff. The only document relating to Judge Clark's order prohibiting Plaintiff's access to the Patrick County Clerk's Office without his attorney is Bates No. FAP00163, which Defendant agreed to disclose during the telephonic hearing held on February 27, 2018. I find that Bates Nos. FAP00152, 00160, 00164, and 00167 relate to court proceedings after the exchange between Judge Clark and counsel or reference a no trespass order involving the courts. These documents should be produced.

No other documents are responsive to the document request regarding Judge Clark's order.

Plaintiff asks that I review the documents and require Defendant to produce all documents relevant to this lawsuit. I decline to do so as I will not engage in the process of creating discovery requests for Plaintiff.

It is so **ORDERED**.

Entered: March 9, 2018

*Robert S. Ballou*

Robert S. Ballou  
United States Magistrate Judge